



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,720	02/08/2006	Michael Alain Cadio	PU030255	3956
24498	7590	03/18/2009		
Robert D. Shedd Thomson Licensing LLC PO Box 5312 PRINCETON, NJ 08543-5312			EXAMINER CRUZ, MACIDA	
			ART UNIT 2851	PAPER NUMBER
			MAIL DATE 03/18/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/567,720

Applicant(s)

CADIO ET AL.

Examiner

MAGDA CRUZ

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen in view of Utsumi et al.

Nielsen (US Patent Number 3,965,601) discloses:

- Regarding claims 1 and 6, a plurality of corner brackets (Figure 3, element 30); and a plurality of extrusions (Figure 2, element 16 and 14), wherein each extrusion has a first slot (Figure 2, element 14) within which the corner brackets (element 30) are positioned and a second slot (Figure 2, element 16).
- Regarding claims 2 and 7, the extrusions (Figure 2, element 16 and 14) are formed of a material selected from the group consisting of metal (column 2, lines 6-9).
- Regarding claims 3 and 8, the corner brackets (Figure 3, element 30) are formed of a material selected from the group consisting of metal (column 2, lines 6-9).

- Regarding claims 4 and 9, each corner bracket includes at least one notch for securing the bracket to the extrusion (column 4, lines 43-45 and 47-51).
- Regarding claims 5 and 10, each corner bracket includes at least one stop (Figure 5, element 42).

Nielsen teaches the salient features of the present invention as explained above, except (regarding claims 1 and 6) a screen, wherein the screen frame and screen protrude in front of a display cabinet of the projection display.

Utsumi et al. (US Pub. No. 2002/0181098 A1) disclose a screen (Figure 1, element 2023), wherein the screen frame (Figure 1, element 2020) and screen (Figure 1, element 2023) protrude in front of a display cabinet of the projection display (Figure 1, element 2000).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the screen and screen frame for a projection display disclosed by Utsumi et al. in combination with Nielsen's invention, for the purpose of positioning the screen in the housing of the projector (Utsumi et al., page 1, paragraph 0021, lines 6-8).

Response to Arguments

3. Applicant's arguments filed 12/23/2008 have been fully considered but they are not persuasive.

4. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).
5. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation for the rejection is found in Utsumi et al. (see page 1, paragraph 0021, lines 6-8).
6. The applicant has argued that Nielsen does not teach a "screen protrude in front of a display cabinet of the projection display". However, the examiner utilized Utsumi et al. to teach such screen (Figure 1, element 2023) protrude in front of a display cabinet of the projection display (Figure 1, element 2000).
7. The applicant has argued that Nielsen does not teach a plurality of corner brackets and extrusions, wherein each extrusion has a first slot within which the corner brackets are positioned and a second slot. Nielsen teaches such plurality of corner brackets (Figure 3, element 30) and extrusions (Figure 2, elements 16 and 14), wherein

each extrusion has a first slot (Figure 2, element 14) within which the corner brackets (Figure 3, element 30) are positioned and a second slot (Figure 3, element 16).

8. In response to applicant's arguments, the recitation "a screen frame for a projection display" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

9. The applicant has argued that Utsumi et al. does not teach "a screen frame for a projection display including a plurality of corner brackets and extrusions, wherein each extrusion has a first slot within which the corner brackets are positioned and a second slot within which a screen is positioned such that the screen frame". The recitation "a screen frame for a projection display" has not been given patentable weight because the recitation occurs in the preamble. Furthermore, the examiner utilized Nielsen to teach such plurality of corner brackets (Figure 3, element 30) and extrusions (Figure 2, elements 16 and 14), wherein each extrusion has a first slot (Figure 2, element 14) within which the corner brackets (Figure 3, element 30) are positioned and a second slot (Figure 3, element 16).

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **MAGDA CRUZ** whose telephone number is **(571)272-2114**. The examiner can normally be reached on Monday through Thursday 8:00-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diane Lee can be reached on **(571) 272-2399**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Magda Cruz
Patent Examiner

March 19, 2009

/Diane I Lee/
Supervisory Patent Examiner, Art Unit 2851